

REMARKS

The Office Action objects to Applicant's priority claim, as the filed specification does not include a specific reference to the prior application in the first sentence of the specification or in an Application Data Sheet. Applicant has amended the present application to include the required reference to the prior Application, and respectfully request acceptance of the amendment and the priority claim.

Claims 1-15 (stated as claims 1-14) stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nikolich in view of Schubert. Applicant has amended a number of the claims to clarify preexisting features of the present invention, and respectfully submits that the claims as amended are allowable over the references of record for at least the following reasons.

Applicant has amended claim 1 to further define, among other features, that the cylinder head substantially encloses the motor. Though this additional feature is defined in the preamble, Applicant respectfully submits that this feature should be given patentable weight. This feature is supported, for example, in FIGs. 1 and 2. Insofar as the pending rejection is applied to claim 1 as amended, Applicant respectfully traverses, as neither Nikolich nor Schubert, alone or in combination, disclose or suggest at least that its cylinder head substantially encloses its motor. Instead, in Nikolich, motor 61 extends below cylinder head 25 and into cavity 21 to a significant extent. Accordingly, Applicant respectfully submits that claim 1 as amended is allowable. Dependent claims 2-8 are believed to be allowable for at least the reasons regarding amended claim 1, plus additional reasons.

Claim 9 has been amended similarly to amended claim 1, except that the new feature is defined within the body of the claim. Applicant respectfully submits that amended claim 9 and dependent claims 10-15 are allowable over the references of record for at least the reasons stated above regarding amended claim 1.

Applicant further submits additional claims defining various preexisting features of embodiments of the present invention. Applicant respectfully submits that these new claims are allowable over the references of record for at least the following reasons.

New claim 16, depending from claim 1, further defines at least that the restraining member comprises a C-clip. Applicant respectfully submits that Nikolich and Schubert fail alone or in combination to teach or suggest at least this feature, as Nikolich teaches an upper cap 66 to retain resilient member 65 with respect to the cylinder head 25. Accordingly, Applicant submits that claim 16 is allowable for at least this additional reason.

New claim 17 includes at least the features of original claim 1 and dependent claim 2, which defines, among other things, that the elastic member is disposed directly between the fan motor and the cylinder head. Applicant respectfully submits that new claim 17 is allowable for at least the reason that the elastic member of Nikolich is not disclosed directly between its fan member 61 and cylinder head 25, but instead a mounting bracket 62 appears to surround the motor 21 and hold the motor in the cylinder head. See, for example, FIGs. 2 and 9 of Nikolich. Accordingly, Applicant respectfully requests allowance of new claim 17.

New claim 18 depends from claim 17, but further defines that the elastic member is in direct contact with the motor. Claim 18 is believed to be separately allowable for at least the reason that Nikolich apparently fails to teach or suggest that its motor 61 is in direct contact with cylinder head 25, due at least to the mounting bracket 62. See, for example, col. 9, lines 27-29 of Nikolich. New independent claim 19, including features of original claims 1 and 3, is believed to be allowable over the references of record at least for similar reasons.

New independent claim 20 includes at least the features of original claim 1 and claim 7, defining among other things that the restraining member comprises a metal clip. Though original claim 7 was rejected, Applicant respectfully traverses for at least the reason that Nikolich specifically teaches a retaining cap 66 securing resilient member 65 to cylinder head 25. As the retaining cap appears to be a significant feature of Nikolich, Applicant respectfully submits that one skilled in the art would not find it obvious to modify the Nikolich tool to substitute a metal clip for the retaining cap 66 of Nikolich. Accordingly, Applicant respectfully request withdrawal of the rejection. New dependent claim 21, including the features of new claim 20 and adding the features of originally-filed claim 8, is similarly believed to be allowable for at least the additional reason that the retaining cap 66 of Nikolich is ring shaped, and does not have an arcuate shape, as claimed.

New independent claim 22 includes at least the features of originally-filed claim 1, but further defines at least that the cylinder head includes a portion disposed above the restraining member, such that the cylinder head acts to at least partially restrain the

restraining member. Nikolich apparently fails to teach or suggest at least this feature, because the top of the resilient member of Nikolich appears to be at least even with the top of the cylinder head 25, and the cap 66 appears to form the outermost part of the upper portion of the Nikolich tool. Accordingly, Applicant respectfully requests allowance of new claim 22.

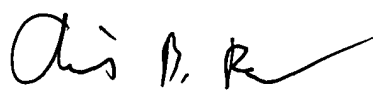
New claim 23 depends from amended claim 1, and further defines that the suspension member regulates movement of the motor within the cylinder head. Applicant respectfully submits that new claim 23 is allowable for at least the reasons stated above with regard to amended claim 1, and for at least the additional reason that Nikolich appears to teach that its resilient member 65 only absorbs the shock or force directed at the electric fan 22 in combination with the O-ring 60.

New independent claim 24 includes at least the features of originally-filed claim 1, but further defines at least that the motor is restrained against upward movement solely by engagement via the elastic member. As shown in FIG. 2, for example, the elastic member 64 solely resists the upward movement of motor 40. In other words, absent engagement with the elastic member 64, the motor 40 would be free to move upward. By contrast, Nikolich teaches that an O-ring 60 provides resistance to upward movement of the motor 61, by providing frictional resistance to bracket 62, which holds the motor. Accordingly, Applicant respectfully requests allowance of new independent claim 24.

Accordingly, for at least the foregoing reasons, Applicant submits that this Application, including claims 1-24, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney should he find that any further issues exist related to patentability. Contact may alternatively be made with Lisa Soltis, the principal attorney of record, at (847)724-7500. All correspondence should be directed to Ms. Soltis.

Respectfully submitted,

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October 28, 2004

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